

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Before the Board of Patent Appeals and Interferences**

In re Patent Application of

Atty Dkt. GRT/4865-38

C# M#

Confirmation No. 1799

BATTISTINI et al

T.C./Art Unit: 1611

Serial No. 10/812,308

Examiner: C.E. Rae

Filed: March 30, 2004

Date: April 28, 2009

Title: USE OF (3-(2-ETHYLPHENYL)-5-METHOXYPHENYL)-1H-[1,2,4]-  
TRIAZOLE FOR THE TREATMENT OF AUTOIMMUNE DISEASES

**Mail Stop Appeal Brief - Patents**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

**NOTICE OF APPEAL**

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the Examiner twice/finally rejecting \$540.00 (1401)/\$270.00 (2401) \$ applicant's claim(s).

- An appeal **BRIEF** is attached in the pending appeal of the above-identified application \$540.00 (1402)/\$270.00 (2402) \$ 540.00
- Credit for fees paid in prior appeal without decision on merits -\$ ( )
- A reply brief is attached. (no fee)
- Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) One Month Extension \$130.00 (1251)/\$65.00 (2251)  
Two Month Extensions \$490.00 (1252)/\$245.00 (2252)  
Three Month Extensions \$1110.00 (1253)/\$555.00 (2253)  
Four Month Extensions \$1730.00 (1254)/\$865.00 (2254) \$ 490.00
- "Small entity" statement attached.
- Less month extension previously paid on -\$ ( )

**TOTAL FEE ENCLOSED** \$ 1030.00

**CREDIT CARD PAYMENT**

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**.

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GRT:ap

NIXON & VANDERHYE P.C.  
By Atty: Gary R. Tanigawa, Reg. No. 43,180

Signature: \_\_\_\_\_ /Gary R. Tanigawa/ \_\_\_\_\_